

matter is now ready for a ruling.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on his review of the record, the Magistrate Judge has recommended that Plaintiff’s motion to amend his complaint be granted with paragraph one stricken and the case remanded to the Court of Common Pleas, Third Judicial Circuit of the State of South Carolina, Lee County pursuant to the consent of the parties. The Magistrate Judge advised the parties of their right to file objections to the Report and the serious consequences of a failure to do so. No objections have been filed and the time for doing so has expired.²

After reviewing the Complaint, the Removal Petition, the responses and replies, the proposed Amended Complaint and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that Plaintiff’s motion to amend his complaint be **GRANTED**

²Plaintiff’s copy of the Report and Recommendation was returned to the Clerk’s Office marked “Unknown - Must have SCDC #.”

with paragraph one stricken, and it is

FURTHER ORDERED that this case is **REMANDED** to the Court of Common Pleas, Third Judicial Circuit of the State of South Carolina, Lee County, pursuant to the consent of the parties.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
June 22, 2006